

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: James Gharib et al.Title: Systems and Methods for Performing Surgery Procedures and Assessments

Docket No.: 80100.071US1

Serial No.: 10/809,280

Filed: March 25, 2004

Due Date: N/A

Examiner: Unknown

Group Art Unit: 3739

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.  
☒ An Information Disclosure Statement (2 pgs.), Form 1449 (5 pgs.), and copies of 25 cited documents.

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 50-2040.

**CUSTOMER NUMBER 30,328**  
(858-527-1936)

By: [Signature]  
Atty: Jonathan Spangler  
Reg. No. 40,182

7-8-04

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Andrew J. Kaul  
Name

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Signature



10/809,280

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	James Gharib et al.	Examiner:	Unknown
Serial No.:	10/809,280	Group Art Unit:	3739
Filed:	March 25, 2004	Docket:	80100.071US1
Title:	Systems and Methods for Performing Surgery Procedures and Assessments		

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 50-2040 in order to have this Information Disclosure Statement considered.

Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2) and has included for the examiner's consideration copies of International Search Reports for the following PCT applications: PCT/US00/32329, PCT/US01/18606, PCT/US01/18579, PCT/US02/22247, PCT/US03/02056, PCT/US/02/35047, and PCT/US02/30617 which are also list on the 1449 form enclosed herewith.

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Serial No: 10/809,280

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Title: Systems and Methods for Performing Surgery Procedures and Assessments

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Dkt: 80100.071US1

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

JAMES GHARIB ET AL.

By their Representatives,

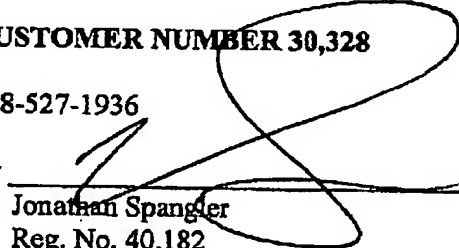
**CUSTOMER NUMBER 30,328**

858-527-1936

Date

July 8, 2004

By

  
Jonathan Spangler  
Reg. No. 40,182

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Andrew J. Kaul

Name

  
Signature

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	10/809,280
Filing Date	March 25, 2004
First Named Inventor	Gharib, James
Group Art Unit	3739
Examiner Name	Unknown

Sheet 1 of 5

Attorney Docket No: 80100.071US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-20020007129	01/17/2002	Marino, J. F.	600	546	06/08/2001
	US-20020072686	06/13/2002	Hoey, M., et al.	600	547	05/18/2001
	US-2,704,064	03/15/1955	Fizzell, J. A., et al.	128	2.1	09/10/1952
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	US-4,633,889	01/06/1987	Talalla, A.	128	784	12/12/1984
	US-4,658,835	04/21/1987	Pohndorf, P. J.	128	785	07/25/1985
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DATE CONSIDERED

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	10/809,280
<b>Filing Date</b>	March 25, 2004
<b>First Named Inventor</b>	Gharib, James
<b>Group Art Unit</b>	3739
<b>Examiner Name</b>	Unknown

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Attorney Docket No: 80100.071US1

	US-5,081,990	01/21/1992	Deletis, Vedran	128	642	05/11/1990
	US-5,092,344	03/03/1992	Lee, T.	128	741	11/19/1990
	US-5,127,403	07/07/1992	Brownlee, Robert R.	128	419 P	08/21/1990
	US-5,161,533	11/10/1992	Prass, Richard L., et al.	128	639	09/19/1991
	US-5,196,015	03/23/1993	Neubardt, Seth L.	606	61	04/30/1992
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Substitute Disclosure Statement Form (PTO-1449)

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

**Application Number** 10/809,280**Filing Date** March 25, 2004**First Named Inventor** Gharib, James**Group Art Unit** 3739**Examiner Name** Unknown

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**Attorney Docket No:** 80100.071US1

	US-5,976,094	11/02/1999	Gozani, S. N., et al.	600	483	02/12/1998
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>
	WO-0066217A1	11/09/2000	Epstein, R., et al.	A61N	1/36	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Electromyography System", <u>International Search Report</u> , International Application No. PCT/US00/32329,(April 27, 2001), 9 pages	
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**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

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<b>First Named Inventor</b>	Gharib, James
<b>Group Art Unit</b>	3739
<b>Examiner Name</b>	Unknown

Sheet 4 of 5

Attorney Docket No: 80100.071US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"System and Methods for Determining Nerve Direction to a Surgical Instrument", <u>International Search Report</u> , International Application No. PCT/US03/02056, (August 12, 2003), 5 pages	
		"Systems and Methods for Performing Percutaneous Pedicle Integrity Assessments", <u>International Search Report</u> , International Application No. PCT/US02/35047, (August 11, 2003), 5 pages	
		"Systems and Methods for Performing Surgery Procedures and Assessments", <u>International Search Report</u> , International Application No. PCT/US02/30617, (June 5, 2003), 4 pages	
		BOSE, et al., "Neurophysiologic Monitoring of Spinal Nerve Root Function During Instrumented Posterior Lumbar Spine Surgery", <u>Spine</u> , 27(13), (2002), pp. 1444-1450	
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EXAMINER

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<b>Group Art Unit</b>	3739
<b>Examiner Name</b>	Unknown

Sheet 5 of 5

Attorney Docket No: 80100.071US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		RAYMOND, et al., "The Nerve Seeker: A System for Automated Nerve Localization", <u>Regional Anesthesia</u> , 17(3), (1992), pp. 151-162	
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